REMARKS / ARGUMENTS

In response to the Office Action ("OA") dated September 11, 2003, Applicants respectfully request the Examiner to enter the following Amendments and consider the following remarks. Accompanying this response is a Petition to extend the period of response three months to March 11, 2004 and authorization to charge the required extension fees.

Election/Restrictons

Applicants thank the Examiner for the courtesy of the telephone conference with Ms. Karna Nisewaner on September 4, 2003. In that conversation, Ms. Nisewaner made provisional election to prosecute the claims of Group 1, i.e., claims 1-7, 22 and 26. Applicants hereby affirm this provisional election, without traverse. Based on the foregoing, claims 1-7, 22 and 26 are pending in this application, and claims 8-21 and 23-25 are withdrawn without prejudice.

Drawings

The Examiner has objected to Figures 13, 14, and 16 on the basis that they should be designated as "Prior Art." *See* OA at page 5, ¶2. Applicants have amended Figures 13 and 16 as requested by the Examiner. With respect to Figure 14, Applicants respectfully disagree with the Examiner's characterization. Specifically, Applicants would like to draw the Examiner's attention to the following passage in the specification:

> Real Networks streams can be protected by inserting a DigiBox into Header 1301 and encrypting the data packets contained in Content

> 1302. *The altered format is illustrated in FIG.14*, which shows Header 1401, including Media Properties Headers 1402 and 1403, which in turn contain DigiBoxes 1404 and 1405, respectively. The format also includes encrypted Content 1406 and Index 1407.

Specification, at page 34, line 34 - page 35, line 3 (emphasis added). As this passage shows, Figure 14 illustrates aspects of an embodiment of Applicants' invention, and thus should not be designated "prior art."

The Examiner has also indicated that "Figures 2 and 5 appear not to be in agreement. Specifically, Figure 2 indicates the order of data in a header is 'Header Identifier', 'Stream Type' .... However, in Figure 5, and the description in the specification (page 9, line 10-18), shows a different order...." OA at page 5, ¶3.

Applicants respectfully disagree. In particular, Applicants submit that Figures 2 and 5 are intended to illustrate different embodiments of a header, and thus no correction to these Figures is required. *See, e.g.*, Specification at page 6, line 3- - page 7, line 8 ("*Exemplary Header* 201 is shown in FIG. 2")(emphasis added); Specification at page 9, lines 9-22 ("*One control message format* is illustrated by Fig. 5")(emphasis added). Thus, the specification establishes that Figures 2 and 5 are examples of possible header formatting approaches, and that other examples may exist as well.

Information Disclosure Statement

The Office has indicated some problems concerning two previous Information Disclosure Statements (dated 8/16/99 and 12/20/01), possibly that all of the cited references may not have been provided. Applicants enclose herewith several CD-

ROMs contain legible copies of all of the cited references from these two Information Disclosure Statements. In an abundance of caution, Applicants are also including all of the cited U.S. patents from these Information Disclosure Statements on the CD-ROMs.

Specification/Abstract

Applicants records indicate that an Abstract appears to have been submitted, but was perhaps lost. Attached hereto as Exhibit B are copies of the originally-submitted abstract, and our returned filing card which indicates that an abstract was filed. A rewritten Abstract is set forth on page 2 of this paper.

35 U.S.C. § 103(a) Rejections

The Examiner rejected claims 1-6 and 22 under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,875,303 to Huizer et al. (Huizer '303), in view of U.S. Patent No. 5,852,664 to Iverson et al. (Iverson '664), and further in view of Lacy et al., "MPEG-4 Intellectual Property Management and Protection (IPMP) Overview & Applications," dated December 1998 (Lacy '98). *See* OA, page 7 ¶ 2.

As an initial matter, Applicants respectfully wish to point out that the instant application claims the benefit of priority to parent application No. 09/270,022, which claims priority from provisional application 60/078,053, filed March 16, 1998. Applicants hereby amend the specification to claim the benefit of this provisional application, as well. Applicants respectfully submit that the rejections of the claims over Lacy should be withdrawn.

In addition, Applicants respectfully submit that neither Huizer '303 nor Iverson '664 anticipates or renders obvious Applicants' claims. For example, neither Huizer '303 nor Iverson '664 teaches or discloses, *inter alia*, a control arrangement that includes means for opening secure containers and extracting cryptographic keys, as well as means for decrypting encrypted content.

As the Examiner acknowledges, Huizer '303 does not teach a control arrangement that includes means for opening secure containers and extracting cryptographic keys, as well as means for decrypting encrypted content. *See* OA at page 7, ¶ 4.

Similarly, Iverson '664 also fails to show a control arrangement that includes means for opening secure containers and extracting cryptographic keys, as well as means for decrypting encrypted content. Although the Examiner indicates that "Iverson '664 explicitly teaches a receiving port, where the incoming bit stream is encrypted in part, and contains a key; and the control arrangement is able to extract the key and decrypt the bit stream" (OA, page 7, ¶5 – page 8, ¶1)(citations omitted). Applicants respectfully submit that Iverson does not make such teaching or suggestion. Indeed, Iverson '664 explicitly teaches away from the use of encryption. *See e.g.*, Iverson '664 at col. 2, line 63 – col. 3, line 3 ("Although such encryption would provide some degree of access control, it is impractical for systems that play streams of multimedia data.... This may require a prohibitively expensive amount of memory space. In addition, the delays resulting from performing the decryption procedure may be undesirable....'). Instead, Iverson '664 describes a system in which content is encoded "using standard

video encoding techniques." Iverson '664 at col. 6, lines 26-29. Access to protected content is not regulated by encryption, but by a decoder that refuses to decode protected content unless it is supplied with a special "access word" that can be used to verify a hash value (or "lock-word") associated with the content. *See, e.g.*, Iverson '664 at col. 7, lines 59-67 ("Lock-word comparator 510 compares the result of performing the hash function to the lock word retrieved from the frame header by parser 506 (step 614). If the two values are equal, then decode access is presumed to be allowed and frame decoder 514 decodes the frame (step 606). If however, the hash function 508 generates a value different from the lock word, then decode access is presumed to be forbidden. In this case, error-message generator 512 sends an error message to the application program....").

As a result, Iverson '664 fails to teach or disclose a control arrangement that includes means for opening secure containers and extracting cryptographic keys, as well as means for decrypting encrypted content. Instead, the passages cited by the Examiner simply refer to (a) an unencrypted content stream that is encoded using standard encoding techniques (Iverson '664 at col. 7, lines 1-9 and 23-51), and (b) the use of a hash value (i.e., the "lock-word") to determine whether an application program that wishes to decode the stream possesses a special "access word" (Iverson '664 at col. 7, line 47 – col. 8, line 2).

Thus, it is respectfully submitted that none of the cited references (either alone or in combination), teach or suggest the claim language addressed herein, per the reasoning set forth above. Accordingly, for at least these reasons, Applicants submit

that Claim 1 is allowable over the cited references and combination of references. Claims 2-6 and 22 are dependent on claim 1, and are thus allowable for at least the reasons set forth above in connection with claim 1.

Again, because the present application now claims priority to provisional application No. 60/078,053, filed March 16, 1998, Applicants respectfully submit that Lacy be removed as a reference. Accordingly, the rejections to claims 7 and 26 (discussed below) should be withdrawn.

Claim 7 stands rejected under 35 U.S.C. § 103(a), as being unpatentable over the combination of Huizer '303, Iverson '664, Lacy '98, and Maturi '332. *See* OA at page 13, ¶ 4. Applicants respectfully reserves the right, as with above, to disagree with the characterizations of the references (and, indeed, the combination and application of the references themselves); however, since claim 7 is dependent on claim 1, it is allowable for at least the reasons set forth above in connection with claim 1.

The Examiner rejected claim 26 under 35 U.S.C. § 103(a) as being unpatentable over Iverson '664, in view of Lacy '98, in view of Brown, "How Plug-Ins 'Plug In'" (Brown '96), and further in view of U.S. Patent No. 5,794,038 to Stutz et al. (Stutz '038). *See* OA at pages 14-15.

The statements and arguments above with respect to how Iverson '664 and Lacy fail to teach or suggest the present invention are also applicable to claim 26, and are accordingly incorporated herein. As explained above, Iverson (alone or in combination with the other references cited) does not teach or suggest the encryption and decryption according to the present invention, e.g., as set forth in claim 1. Additionally, Iverson

does not teach or suggest the encryption/decryption set forth in claim 26; for example, claim 26 requires decryption and specific handling of a decrypted digital bit stream, including "processing including decompressing at least a portion of the decrypted digital bit stream." It is submitted that neither Iverson nor the sum of references cited in the action disclose such teaching or suggestion. Thus, Applicants respectfully submit that the rejection of claim 26 should also be withdrawn.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of the instant application in view of this response, and the timely allowance of the pending claims. If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Andrew B. Schwaab at (650) 849-6643.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

Dated: March 11, 2004

By: _____
Andrew B. Schwaab
Reg. No. 38,611

Attachments: **Exhibit A - Drawing Sheets 1-32**
Exhibit B - Photocopies of original Abstract & filing card

Exhibit B

ABSTRACT

A novel method and apparatus for protection of streamed media content is disclosed. In one aspect, the apparatus includes control means for governance of content streams or content objects, decryption means for decrypting content streams or content objects under control of the control means, and feedback means for tracking actual use of content streams or content objects. The control means may operate in accordance with rules received as part of the streamed content, or through a side-band channel. The rules may specify allowed uses of the content, including whether or not the content can be copied or transferred, and whether and under what circumstances received content may be "checked out" of one device and used in a second device. The rules may also include or specify budgets, and a requirement that audit information be collected and/or transmitted to an external server. In a different aspect, the apparatus may include a media player designed to call plugins to assist in rendering content. A "trust plugin" is disclosed, along with a method of using the trust plugin so that a media player designed for use with unprotected content may render protected content without the necessity of requiring any changes to the media player. In one aspect, the streamed content may be in a number of different formats, including MPEG-4, MP3, and the RMFF format.